

EXHIBIT B

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From: HUTTENHOWER, JAMES A (Legal) [mailto:jh7452@att.com]

Sent: Tuesday, June 01, 2010 9:50 AM

To: Kelly, Henry T.

Cc: @ Sullivan, Michael; Dover, Michael

Subject: moving forward with Cbeyond

Hank - Since I was unable to speak to you last week (and since we have another status hearing in two days), I wanted to provide some ideas on what we could propose to Judge Moran on Thursday.

First, I was thinking that the two companies could offer to submit an agreed set of diagrams, showing the "before" and "after" versions of different service arrangements: e.g., DS1/DS1

EEL to DS1/DS3 EEL; DS1/DS1 EEL to Loop with 3rd-party transport. I think this is the type of thing that the judge would want, based both on her comments at the last status hearing and on what she requested from the parties in another wholesale complaint case I had with her last year.

Second, I was thinking that we could propose a schedule under which the two companies would submit briefs, accompanied by affidavits containing any facts that one company (or the other) thought was relevant to resolution of their dispute about the meaning of the ICA. (We would also make use of the agreed set of diagrams.) At the end of the briefing cycle, we would then have another status at which we decide whether the affidavits create a disputed issue of material fact that we'd need to address somehow. I also thought the briefing should be simultaneous, since what we'd be doing is akin to cross-motions for summary judgment. As for timing, the companies could submit opening briefs in about a month, Staff could submit its response to both companies' positions about a month later, and then both companies could reply to Staff and each other about two weeks after that. And then, as I mentioned, there would be another status hearing (mid to late August?).

How does any of this sound to you? Please give Mike and me a call if you'd like to discuss things. Thanks.

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